

28 NOVEMBER 1947

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Of
WITNESSES

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28 NOVEMBER 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidenc</u>
3269		3514	Telegram (War Ministry No. 235)		34116
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1 Friday, 28 November 1947

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4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with
14 the exception of: HONORABLE JUSTICE SIR WILLIAM F.
15 WEBB, Member from the Commonwealth of Australia, not
16 sitting from 0930 to 1600.

17 For the Prosecution Section, same as before.

18 For the Defense Section, same as before.

19 - - -

20 (English to Japanese and Japanese
21 to English interpretation was made by the
22 Language Section, IMTTFE.)

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CROSS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present
4 except MATSUI, who is represented by counsel. We have
5 a certificate from the prison surgeon at Sugamo cer-
6 tifying that he is ill and unable to attend the trial
7 today. The certificate will be recorded and filed.

8 Mr. Tavenner.

— — —

9 10 H I R O S H I O S H I M A, an accused, resumed the
11 stand and testified through Japanese interpreters
12 as follows:

13 CROSS-EXAMINATION

14 BY MR. TAVENNER (Continued):

15 Q General OSHIMA, the following questions and
16 answers appear in your cross-examination of Wednesday,
17 page 34,100 of the transcript:

18 "Q Did not War Minister ITAGAKI consult the
19 Foreign Minister about your appointment as Ambassador?

20 "A As I have stated in my affidavit, I had no
21 knowledge whatsoever as to what kind of discussions
22 took place back home.

23 "Q Well, you do know, do you not, that your
24 appointment was urged by the War Ministry and the
25 General Staff?

1 "A No, I did not know."

2 Now, General OSHIMA, I desire to ask you
3 were not the following questions propounded to you in
4 the interrogation of February 4, 1946, by Mr. Hyde and
5 the following answers made by you regarding this matter:

6 "Q Is it not a fact that the military authorities
7 urged your appointment as an ambassador?

8 "A Yes, I think so.

9 "Q Will you tell us what military officials
10 urged or suggested your appointment?

11 "A I do not know any particular individuals but
12 I believe it was General Staff headquarters and the
13 War Ministry.

14 "Q And can you tell us any other organizations
15 or individuals who urged your appointment to that
16 position?

17 "A No, I do not know of any others. Those that
18 advocated my appointment were the army in particular.
19 In the fall of 1938, without my knowledge, the army in
20 Japan had apparently put forward my name for the
21 ambassadorship and I received a telegram from General
22 Staff headquarters requesting me to take the post. I
23 refused to do this saying that I was a soldier and not
24 a diplomat, but they urged me time and time again and
25 I refused so often until finally I was more or less

forced to take the job. At this time General TADA
1 was Chief of Staff and General Staff headquarters had
2 such men as Major General KASAHARA and General HOMMA.

3 "Q Do I understand then that in so far as your
4 appointment as ambassador was concerned the only
5 authorities or only people that urged your appointment
6 and wanted your appointment were the General Staff
7 headquarters and War Minister?

8 "A To the best of my knowledge, from my distant
9 vantage point in Berlin, there were no others but the
10 ones I named before. I reiterate that I am not a
11 member of any army group.

12 "Q Who was the War Minister that urged your
13 appointment?

14 "A General ITAGAKI, I believe."

15 Now, were those questions asked you and those
16 answers made by you?

17 A Yes.

18 Q At page 34,104 you testified on cross-examina-
19 tion that somewhere around or between the 29th of
20 August and the 2d of September you received a rather
21 detailed report on the decision of the Five Ministers
22 Conference in which a number of revisions were made to
23 the German proposal. Was that report made in one or
24 two telegrams?

A I do not now recall the number.

1 Q Were there more than one?

2 A I think there were more than one.

3 Q I hand you prosecution document 3269 in the
4 Japanese text which purports to be a copy of a
5 telegram. Do you recognize it?

6 A Will you wait just a moment?

7 May I reply? Generally speaking, this seems
8 to jibe with the circumstances at that time, but I
9 cannot say because I have no definite recollection
10 whether the entire document is correct inasmuch as
11 these matters took place quite a long time ago.

12 Q But to the best of your knowledge that is
13 the purport of the telegram that you received the
14 latter part of August 1938, is it not?

15 A I cannot quite say that because at this date
16 I do not know what else was incorporated in the tele-
17 gram nor am I able to know now what explanations had
18 been added to the telegram and, therefore, I am unable
19 to confirm this document.

20 Q But as far as the document goes it does
21 contain the information which you received by tele-
22 gram the latter part of August 1938, does it not?

23 A It is certain that I received a telegram
24 toward either the end of August or the first part of

OSHIMA

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34,115

1 September in 1938. This telegram is dated 1938.
2 Contents somewhat to the effect contained in this
3 document were in the telegram but whether the tele-
4 gram which I received exactly contained the informa-
5 tion here or whether there were any explanations
6 added to the telegram or whether there were any other
7 items listed in the telegram in addition to these
8 matters I am unable to say because I have no recollec-
9 tion at this date and, therefore, I cannot say that
10 this is the exact telegram which I received at that
11 time.

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1 MR. TAVENNER: I offer in evidence IPS
2 document 3269.

3 MR. CUNNINGHAM: Objected to for the reason
4 that it is not properly identified and not accepted
5 as authentic.

6 MR. TAVENNER: In reply I would state that
7 the witness has said that there may have been other
8 things in the original telegram not included in this
9 but that matters contained in this telegram were in
10 substance what he received.

11 ACTING PRESIDENT: By a majority, the objec-
12 tion is overruled. The document will be received in
13 evidence.

14 CLERK OF THE COURT: Prosecution document
15 3269 will receive exhibit No. 3514.

16 (Whereupon, the document above
17 referred to was marked prosecution ex-
18 hibit No. 3514 and received in evidence.)

19 MR. TAVENNER: I will read exhibit 3514:
20 "The following telegram is War Ministry
21 Telegram No. 235:

22 "1. Both the Army and Navy are in agreement
23 with the purport of the treaty plan which was brought
24 by Major General KASAHARA. The opinion to adopt this
25 concurred upon the following conditions:

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20 "The following telegram is Var Ministry
21 Telegram No. 235:

22 "1. Both the Army and Navy are in agreement
23 with the purport of the treaty plan which was brought
24 by Major General KASAHARA. The opinion to adopt this
25 concurred upon the following conditions:

"a. Add the following essentials as the
1 preamble. (Plan for preamble omitted).
2 "b. Change 'diplomatically' of Article 2 to
3 'economic.'
4 "c. Change the end of Article 3 from:
5 'there is an obligation to perform' to 'will enter
6 into a conference immediately.'
7 "d. The phrases, 'menace and attack,' of
8 Articles 2 and 3 will be designated as: 'unless
9 provoked.'
10 "e. It is our opinion that we would like to
11 prescribe clearly and in detail the methods of execu-
12 tion and limit of the sphere of the conditions of
13 military aid to be given in accordance with the
14 secret treaty to be attached to the main treaty.
15
16 "2. Since we desire to conclude this treaty
17 as promptly as possible, we wish Germany would take
18 steps to submit this plan formally soon."
19 Q I now hand you IPS document 3271 in the
20 Japanese text and I will ask you if you did not re-
21 ceive that telegram on the same day that you received
22 the telegram appearing as exhibit 3514.
23 A I shall reply. I think I can say that the
24 contents of this document are generally the same as
25 the telegram which I received at that time, but I

1 "a. Add the following essentials as the
preamble. (Plan for preamble omitted).

2 "b. Change 'diplomatically' of Article 2 to
3 'economic.'

4 "c. Change the end of Article 3 from:
5 'there is an obligation to perform' to 'will enter
6 into a conference immediately.'

7 "d. The phrases, 'menace and attack,' of
8 Articles 2 and 3 will be designated as: 'unless
9 provoked.'

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11 prescribe clearly and in detail the methods of execu-
12 tion and limit of the sphere of the conditions of
13 military aid to be given in accordance with the
14 secret treaty to be attached to the main treaty.

15 "2. Since we desire to conclude this treaty
16 as promptly as possible, we wish Germany would take
17 steps to submit this plan formally soon."

18 Q I now hand you IPS document 3271 in the
19 Japanese text and I will ask you if you did not re-
20 ceive that telegram on the same day that you received
21 the telegram appearing as exhibit 3514.

22 A I shall reply. I think I can say that the
23 contents of this document are generally the same as
24 the telegram which I received at that time, but I

1 cannot say for sure whether there was anything else
2 added to this telegram or whether parts of this
3 telegram are exactly as represented here.

4 MR. TAVENNER: Just a moment. I offer in
5 evidence IPS document 3271.

6 MR. CUNNINGHAM: Just a minute, please.
7 I should like to object for the same reasons that I
8 objected to the other document and for the further
9 reason that there is no certification here that this
10 came from any authentic source and the witness not
11 having authenticated it. Therefore, under our rules
12 heretofore applied, it is objectionable as evidence
13 at this time.

14 ACTING PRESIDENT: The whole purport of the
15 document was admitted by the witness. The same rul-
16 ing as on the previous document. The objection is
17 overruled and the document admitted in evidence.

18 CLERK OF THE COURT: Prosecution document
19 3271 will receive exhibit 3515.

20 (Whereupon, the document above
21 referred to was marked prosecution exhibit
22 No. 3515 and received in evidence.)

23 MR. TAVENNER: I will read exhibit 3515:
24 "Explanation concerning War ministry tele-
25 gram No. 236:

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"1. 'The Preamble Draft' is that this
1 treaty is an extension of the existing Anti-Comintern
2 Pact, and is a plan which makes clear the intent that
3 the Soviet Union is the chief target. Care was taken
4 so as not to give the impression from the wording that
5 England and the United States are the greatest ene-
6 mies.

"2. The Text Plan, Obligation of Military
8 Aid in Article 3, is not instantaneous or uncondition-
9 al. In order to nullify the danger of becoming in-
10 volved before we enter with military aid is the
11 principle.

"3. In order to allow the purport of this
13 treaty to take on a defensive character, 'menace and
14 attack' will be limited to 'provocation.'

"4. Furthermore, the text of the plan is at
16 present under zealous consideration."

Q General OSHIMA, in compliance with your in-
18 structions you communicated the Japanese revisions at
19 once to Ribbentrop, didn't you?

A Yes.

Q Now, you have told us about your trip to
23 England and Belgium, what was the date of your trip?

A I do not recall the exact date but it was
25 shortly after becoming ambassador. I think it was

1 somewhere around February 1939.

2 Q During what part of February?

3 A I recall that it was before the arrival
4 of the ITO Mission, but I do not recall the exact
5 date.

6 Q Were you officially received by the govern-
7 ments of these countries you visited?

8 A I do not know what you mean by "officially
9 received," but I entered England with an official
10 visa in my capacity as ambassador.

11 Q But you had no official mission to the
12 English Government, did you, which required you to
13 be officially received by the appropriate English
14 officer?

15 A Such a thing, it is ordinary that such a
16 thing does not exist according to diplomatic precedent --
17 does not take place.

18 Q That is not what I asked you. Will you please
19 answer my question: Were you so received or not? You
20 can answer yes or no to that simple question.

21 A No, I was not so received.

22 Q Was your presence in these countries made
23 known publicly or kept secret?

24 A As I said before, I went in openly with a
25 visa issued to me by English authorities.

1 Q Now, will you answer my question?

2 A May I have the question repeated?

3 THE MONITOR: The Japanese court reporters
4 have changed so we will have to do an interpretation
5 again.

6 MR. TAVENNER: I will re-ask the question,
7 it will be simpler.

8 Q Was your presence in England and Belgium
9 made public or was it kept secret?

10 A It was open.

11 Q Was a conference of Japanese ambassadors and
12 ministers to European countries held in Berlin in
13 1939?

14 A No.

15 Q What ambassadors other than SHIKATORI visited
16 Berlin during 1939? Of course, I am referring to
17 Japanese ambassadors accredited to nations -- European
18 countries.

19 A Well, I can't recall all of them, but I shall
20 mention those which occur in my mind. Mr. KURIYAMA,
21 Minister to Sweden, came to Berlin--

22 Q Just a moment. When?

23 A I do not recall the time. Mr. AMAU, a minister
24 accredited to Switzerland, also came.

25 Q When?

1 A Well, with regard to this, too, I do not re-
2 member the date, but I think it was in 1939 after the
3 visit of the ITO Commission. And there was occasion
4 for Ambassador TOGO to come from Moscow. There was
5 a time when Mr. SHIRATORI came from Italy where he was
6 ambassador.

7 Q What was the occasion for TOGO coming from
8 Moscow?

9 A I do not recall any special occasion.

10 Q When did he come? Was it after the ITO
11 Commission was there?

12 A Yes, after.

13 Q How long after?

14 A Not so long after.

15 Q Well, what time in February did the ITO Com-
16 mission arrive?

17 A I do not remember the date but I think it
18 was late in February.

19 Q Would you say that TOGO arrived within a
20 week or two weeks after the arrival of the ITO Com-
21 mission?

22 THE MONITOR: Would you repeat that, please?

23 Q Would you say that TOGO arrived within one
24 week or two weeks after the arrival of the ITO Com-
25 mission?

1 A I do not remember the exact date but it
2 was not long after and approximately within a period
3 of something like that.

4 Q Now, proceed with the others who were
5 present.

6 A Ambassador SAKO stationed in Poland also
7 came to Berlin. Those who generally remain in my
8 memory at this date are those which I have just
9 named.

10 Q Did SATO arrive also soon after the ITO Com-
11 mission?

12 A I said SAKO, S-a-k-o. Not soon after, but
13 anyway after the coming of the ITO Commission.

14 Q Were all of these ambassadors present at the
15 same time in Berlin?

16 A They all came at different times. I should
17 like to add that it has been sort of a custom of
18 officials of the Japanese Foreign Office to take
19 various opportunities to visit other posts for the
20 purpose of liaison and exchange of information from
21 time to time.

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1 Q Did TOGO come at his own suggestion or at
2 yours?

3 A No, he came at his own initiative.

4 Q Was SHIRATORI present while TOGO was there?

5 A Yes-- will you wait just a moment -- so I think
6 but I cannot say definitely.

7 Q Well, let me see if I can refresh your recollec-
8 tion. As a matter of fact, did you not hold a meeting
9 or a conference at which at least TOGO and SHIRATORI
10 were present and that you and SHIRATORI expressed the
11 view or your opinions to the effect that Germany and
12 Italy were rising powers in Europe and to align with
13 them would be allowing Japan to improve her position
14 in East Asia? Do you not remember that and is that not
15 true?

16 A With regard to this meeting, it was held --
17 it was possible that a meeting of these three should be
18 held because SHIRATORI attended the conferences when
19 the ITO commission came to Berlin and TOGO came just
20 about that time and so your reference refreshes my
21 recollection. Well, I do not now remember what we
22 talked about and I do not remember what SHIRATORI said
23 at the meeting, but inasmuch as I entertained such
24 ideas I believe it was as a matter of course that I
25 expressed them.

1 Q Now, what other ambassadors from European
2 countries were present at this meeting besides
3 SHIRATORI and TOGO?

4 A No one else.

5 Q Did you not learn that you and the army had
6 been severely criticized in early February, 1939, by
7 Foreign Minister ARITA for carrying on diplomatic
8 negotiations without the consent of the Foreign Minister?

9 A Not once was I cautioned as suggested by you,
10 and according to the Japanese system there could have
11 been no possibility of ARITA criticizing the Army. I
12 do not remember any occasion which I conducted negoti-
13 ations without the consent of the Foreign Ministry.

14 Q You say the Foreign Minister could not criticize
15 the Army. The reverse, however, wasn't true; the Army
16 was perfectly free to criticize the Foreign Ministry,
17 wasn't it, and did so freely?

18 A When you say "criticism" do you mean talk about
19 or make comments on?

20 Q Just strike the question. Did you not learn
21 that the Foreign Minister charged in February 1939 that
22 you sent a telegram to the general staff headquarters,
23 concerning the strengthening of the Anti-Comintern Pact,
24 the contents of which had not been known to him -- had
25 not been made known to him.

1 A Never heard of it and there was no such fact.

2 Q Either while you were military attache or while
3 you were ambassador?

4 A When I was military attache I sent no wires to
5 the Foreign Office. As I have stated in my affidavit,
6 I sent my messages only to the Army. After becoming
7 ambassador I sent no telegrams to the Army; I sent my
8 telegrams only to the Foreign Office.

9 Q Who was the deputy chief of the Army General
10 Staff in February 1939?

11 A Well, I have forgotten the deputy chief of the
12 Army General Staff, but I think it was probably NAKAJIMA,
13 Tetsuzo.

14 Q Did not the deputy chief of the Army General
15 Staff in the early part of the year 1939 warn you that
16 the supreme authority of diplomacy is vested in the
17 Emperor?

18 A The deputy chief of the Army General Staff had
19 no authority to warn me as an ambassador nor was there
20 ever such a fact.

21 Q Did he communicate with you either directly or
22 indirectly about your conduct as ambassador?

23 A As I have stated in my affidavit, there were
24 no contacts either directly or indirectly.

25 MR. TAVERNER: I think we might as well clear

1 this up at this point, General OSHIMA. I have been very
2 patient for a long time about your references to what
3 is in your affidavit. Now what is in your affidavit is
4 known to me and it is plainly written for the Court to
5 see and I wish you would confine your answers to my
6 specific questions.

7 MR. CUNNINGHAM: I would ask that the Court
8 admonish counsel to remain strictly to question and
9 answer form of interrogation and not lecturing the witness.

10 ACTING PRESIDENT: The witness is very evasive
11 and probably the Court should have admonished him before
12 counsel did. Objection overruled.

13 THE WITNESS: I was stating that there was no
14 such fact and so I shall withdraw my statement that it
15 was so stated in my affidavit.

16 Q. Did SHIRATORI accompany the ITO Commission from
17 Italy to Berlin and there have various conferences with
18 you regarding the proposed pact?

19 A. He arrived later than the ITO Commission. A
20 conference was held.

21 Q. Many conferences were held between you and
22 SHIRATORI, weren't there, while the ITO Commission was
23 in Berlin?

24 A. After the arrival of the ITO Commission, SHIRATORI
25 and I listened to the explanations of that commission for
two or three days.

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1 Q Did you and SHIRATORI have frequent con-
2 ferences between the two of you while the ITO Com-
3 mission was there?

4 A No, there was no such occasion.

5 Q When the ITO Commission delivered you a draft
6 of the compromise proposal of the Japanese Govern-
7 ment, did you after studying it make the statement
8 to ITO that you were unable to convey to the German
9 Government such a proposal, which you deemed was far
10 short of what you expected it to be?

11 A No, I did not say so to him.

12 Q Did Mr. ITO insist on your delivery of
13 the proposal to the German Government and upon re-
14 ceiving the German Government's opinion instead of
15 your opinion?

16 A No, he said nothing of the kind.

17 MR. TAVENNER: With regard to the mission of
18 the ITO Commission, if the Tribunal please, reference
19 is made to prosecution exhibit 497, pages 6061 to 6071
20 of the transcript, which is an excerpt from OSHIMA's
21 interrogation.

22 Q General OSHIMA, if as you state the ITO
23 Commission arrived in February and you did not re-
24 ceive a counterproposal from the Japanese Government
25 until the latter part of March, there was an interval

1 of more than a month. In this month's interval of
2 time did you officially deliver to Ribbentrop the
3 draft proposal presented you by the ITO Commission?

4 A It was only natural that I should not have
5 officially delivered the proposal inasmuch as --

6 Q Just a moment.

7 A (Continuing) -- inasmuch as I had presented
8 opinions to the home government -- I was in the midst
9 of addressing opinions to the home government.

10 Q I did not ask you what was natural. I asked
11 you what you did. The question can certainly be answered
12 yes or no. Please answer it.

13 A I did not.

14 Q In this interval of time did you not receive
15 telegrams from the Foreign Minister instructing you
16 to do as recommended by the Japanese Government?

17 A No, not so.

18 Q On page 21 of your affidavit you state a new
19 instruction was received at the end of March revising
20 the instructions brought by the ITO Commission, and
21 you proceed to describe the alleged revision. As a
22 matter of fact, General OSHIMA, is it not true that
23 the revision you describe here, that is at page 21, was
24 a revision that was attempted in June, 1939, after the
25 Five Ministers' Conference of June 5?

A It was absolutely not so.

1 Q Is it not a fact that this reply received by
2 you in the latter part of March, 1939, to your objections
3 to the ITO Commission draft specified first that the
4 matter of Russia remain the same?

5 A I can't quite catch the question.

6 Q Do you wish the question repeated, or do you
7 wish me to explain the question further?

8 A No. I should like to clarify the point whether
9 you mean to ask whether the attitude toward Russia had
10 been changed before or after, or whether the objectives
11 had changed.

12 Q To make it perfectly plain, I will re-ask the
13 question in this form: Did not the reply that you re-
14 ceived in March state that matters should remain the
15 same as far as Russia was concerned? That is, the same
16 as in the original ITO Commission report?

17 A Yes, exactly.

18 Q And, second, did it not state that in regard
19 to other countries, Japan would go further than simply
20 stating that the pact would be aimed at nations embracing
21 communism, in that Japan would give aid against these
22 other countries but that aid was to consist of military
23 advice? Is that not true?

24 A No, I couldn't quite catch the question as I
25 heard it.

1 MR. TAVENNER: Will you repeat the question
2 to him?

3 (Whereupon, the last question was read
4 by the official court reporter.)

5 A No, that was not so.

6 Q And by military advice, was it not meant
7 trading of intelligence, the temporary leasing of bases,
8 the export of fuel oil and other commodities, and, in
9 general, all aid outside of actual participation?

10 A No.

11 MR. TAVENNER: If it please the Tribunal, I
12 desire to refer the Tribunal to the interrogation of
13 OSHIMA, exhibit 497, pages 6,065 to 6,066 of the
14 transcript.

15 ACTING PRESIDENT: We will recess for fifteen
16 minutes.

17 (Whereupon, at 1045, a recess was
18 taken until 1100, after which the proceed-
19 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

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3 ACTING PRESIDENT: Mr. Tavenner.

4 BY MR. TAVENNER (Continued):

5 Q General OSHIMA, did you confer in Rome with
6 SHIRATORI and an Italian representative on or about
7 April 2nd, 1939 regarding the Pact?

8 A I do not remember the exact date, but about
9 that time there was occasion for me to go to Rome to
10 engage in a discussion.

11 Q Was another meeting held on the following
12 day with Ribbentrop who had been unable to reach the
13 conference on the day before?

14 A The Rome discussions were participated in
15 only by SHIRATORI and me. Italians and Germans did
16 not participate. After I returned I met Ribbentrop.

17 Q And was that on the next day?

18 A I do not remember exactly, but one or two
19 days thereafter.

20 Q Did not you and SHIRATORI have with you on
21 the occasion of your conference in Rome the directive
22 of January 23rd, which was the ITO Commission Directive,
23 and the final directive of March 25th which was the
24 Japanese compromise proposal?

25 A Yes.

1 Q Do you not recall that on the occasion of
2 the first conference mentioned, either you or
3 SHIRATORI informed Count Ciano of the nature of the
4 directives which you and SHIRATORI had received from
5 your Government?

6 A I have never met or talked with Ciano.

7 Q Who was the representative present representing
8 the Italian Government?

9 A As I said before, it was not a conference.
10 I merely called on SHIRATORI, and no Italians were
11 present.

12 Q While you were in Rome did SHIRATORI confer
13 with Count Ciano or any other Italian representative?

14 A No, he did not.

15 Q Did you later learn of the result of his
16 conference with Count Ciano about the two directives
17 which you had in your possession?

18 A I heard that he had transmitted the directives,
19 but nothing else.

20 Q Didn't you inquire as to what Count Ciano
21 replied when he received those directives?

22 A I did not.

23 Q Well, if this was a matter important enough
24 to occasion your trip from Berlin to Rome, wasn't it
25 important enough to inquire as to the result of your

conference as far as Italy was concerned?

A The directives were transmitted after I had returned to Berlin.

Q I still ask you; did you make any inquiry as to what the result of the conference between SHIRATORI and Count Ciano was? Or did you learn of the result?

A I received notice that the directives had been transmitted.

Q That is not a complete answer to my question. Will you please answer my question directly.

A All I received was notification from SHIRATORI that the directives had been transmitted. Other than that, I received no notification. That is to say, there was no need of any further notification unless there was something -- some changes. Otherwise, only the notification that the directives had been transmitted was sufficient.

Q I will ask you this question again: Did you inquire as to what occurred between SHIRATORI and Count Ciano or did you afterwards learn what occurred? You can answer that question yes or no.

A I did not hear -- learn.

Q Now, at your conference on the following day with Ribbentrop, did Ribbentrop make this statement to you that "the proposed pact is a weak pact and that was

1 a very disturbing fact"?

2 A Ribbentrop expressed his opinions, but not
3 that.

4 Q Did Ribbentrop ask you this question: "Is
5 Japan to participate in the war?"? To which you
6 replied, "Japan will probably participate."

7 A I had replied to him but not -- that was not
8 the reply I made.

9 Q That was the question asked by him, but your
10 reply was different; is that what I understand?

11 A Yes, that's what I mean.

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1 Q What was your reply?

2 A The instructions which I received from
3 Japan was that, although armed resistance --

4 THE INTERPRETER: Strike that.

5 A (Continuing) -- armed assistance would be
6 given, but it would not be effective. The instruc-
7 tion was that I was to state that -- to convey that.

8 This is vis-a-vis Third Powers outside of Russia.

9 Thereupon, Ribbentrop asked me the question, "Is
10 Japan going to participate in principle?" To that
11 question, I replied as follows: "Inasmuch as Japan
12 is speaking of armed assistance, it is recognized
13 that Japan would participate in principle.

14 "However, inasmuch as the particulars would
15 be incorporated in the secret protocol as to what
16 actually -- what Japan would do in specific cases
17 when such a case as war actually arose, the fact
18 that Japan recognizes the point in principle may be
19 understood." And, therefore, it was my understanding
20 that Japan recognized participation in principle.

21 Q Now, did you learn that early in April,
22 1939, you were severely criticized by the Emperor
23 for usurping the Emperor's prerogative of diplomacy
24 in expressing an intention of participating in war?

25 A I never heard of it, and there was no

1 possibility or any occasion for such a thing arising.

2 Q Did you not also learn that the Foreign
3 Minister recommended to the Emperor and also to the
4 Five Ministers Conference that the statements made
5 by you and SHIRATORI should be rescinded as actions
6 overstepping your limits as Ambassadors?

7 A Never heard of it, and no instructions or
8 anything -- any message was received as to rescind-
9 ing anything.

10 Q Did you confer with SHIRATORI again on
11 Hitler's birthday, April 20, 1939, in Berlin?

12 A Yes, I met him. SHIRATORI came to Berlin,
13 having been invited.

14 Q Following this meeting, you and SHIRATORI
15 requested the Japanese Government to recall you
16 from Germany and Italy, respectively, and the matter
17 of your recall was considered at the Five Ministers
18 Conference held on the 25th of April, 1939, is that
19 not so?

20 A There was no such case. There was no time
21 when both of us tendered our resignations, and I have
22 never heard that there was such a discussion in Japan.

23 Q Well, shortly following the Five Ministers
24 Conference of April 25, 1939, a further compromise
25 proposal in the form of the HIRANUMA declaration of

1 May 4 was delivered to the German and Italian pleni-
2 potentiaries in Tokyo, is that not true?

3 A That is a fact, but it cannot be called a
4 compromise proposal.

5 Q Within several days after the delivery of
6 the HIRANUMA declaration, did not Ribbentrop call
7 you on the telephone from Munich on his way to meet
8 Count Ciano at Como and ask you this question:
9 "When a contracting nation goes to war against
10 another, and even if there is no military aid from
11 Japan, would it be permissible to recognize Japan
12 as being in a state of war?" To which you replied
13 in the affirmative.

14 A Well, I do not recall whether such a ques-
15 tion was asked me by Ribbentrop, but granted that I
16 did reply that inasmuch as Japan had already recog-
17 nized her participation in principle -- recognized
18 in principle her obligation to participate, there
19 would be no occasion or possibility for me to go
20 beyond that -- go outside of that scope in making my
21 reply to him.

22 Q Did Ribbentrop arrange for a joint confer-
23 ence with you and SHIRATORI in Berlin for the 16th
24 of June, 1939?

25 A Will you repeat the date again, please?

1 Q the 16th of June, 1939, or about that date.
2 A At about that time, SHIRATORI came to Ber-
3 lin, and he and I were invited to luncheon by
4 Ribbentrop, and so probably you are referring to
5 that meeting. I do not, however, recall the exact
6 date.

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Reichers & 1 Q Now, at this conference did not SHIRATORI
2 say that the obstinacy of the Japanese Government on
3 the question of exchange of notes as regards Japan's
4 limited military capacity forced him to the conclusion
5 that the Japanese Government was still making mental
reservations with regard to the military alliance?

A May I have the interpreter repeat the question?
I couldn't quite get it all.

9 (Whereupon, the Japanese court
reporter read.)

I have no recollection.

12 Q Did you hold a conference with Ambassador
13 SHIRATORI in the latter part of July or the first part
of August 1939 at Villa Esta, Lake Como?

A Yes.

16 Q Before the holding of this meeting did you and
17 SHIRATORI issue a joint communique publicizing the
18 fact that such a conference was to be held?

19 A No joint communique was issued, but I do have
20 a faint recollection that newspaper men called on us.

21 Q And you publicized the fact of that meeting
22 through the press, did you not?

23 A Not speaking English, I did not meet the press.
24 However, from what I heard from Mr. SHIRATORI is that
25 he had merely met the press. There was nothing in the

1 nature of a communique --

2 Q Is it not a fact that the Japanese Government
3 neither suggested nor authorized the holding of such a
4 conference or the issuance of any public statement re-
5 garding it?

6 A -- and so there was no communique. I was just
7 trying to tell you that we merely -- he merely talked
8 with the press because they paid a visit.

9 Q My question is whether or not there was any
10 authority from the Japanese Government?

11 A No, there was no authorization or suggestion.

12 Q Did not War Minister ITAGAKI threaten to resign
13 in the early part of August 1939 because of his inability
14 to successfully advance a very strong military alliance
15 with Germany and Italy which he and you and SHIRATORI
16 had been working for?

17 A No, I know nothing of that.

18 Q Let me refresh your recollection. I hand you
19 prosecution exhibit 2198 and call your attention to a
20 telegram of 11 August 1939 from Ambassador Ott to
21 Ribbentrop, which has not been read in evidence. I
22 will ask you to follow the reading of it to the point
23 where I desire to ask you several questions.

24 (Reading) "Chief Central Section of War
25 Ministry, General NACHIJIRI, who on afternoon 10 August

1 had requested that he be received jointly by me and
2 Italian Ambassador, transmitted to us following com-
3 munications of War Minister:

4 "Army had resumed bitter battle for alliance
5 at Five-Minister conference 8 August but had made no
6 progress beyond the Japanese proposal of 5 June. Army
7 urgently striving for conclusion in order to:

8 "1. Reach an early successful end of the China
9 conflict, for which it/Army/ is responsible to nation,

10 "2. Conform to wishes of broad popular masses
11 and thereby alleviate present tension,

12 "3. Prevent a dangerous reaction in direction
13 of an economically tempting settlement with England.

14 "These reasons are so compelling that War
15 Minister is resolved as a last resort to risk his re-
16 signation, which would almost certainly entail resigna-
17 tion OSHIMA, SHIRATORI. This action might of course
18 gradually improve the Japanese basis for alliance, but
19 would produce violent setback at first. Nevertheless,
20 resignation was only possible decision. Decision due to
21 be reached 15 August."

23 Does not the reading of this exhibit refresh
24 your recollection regarding the threat of ITAGAKI to
25 resign, and do you not now recall it as a fact?

A I have never heard of this.

1 Q Were you in communication with the War Ministry,
2 either directly or indirectly, or it with you, in August
3 1939, regarding either the War Minister's threat to re-
4 sign or the measures he was advocating before the Five
5 Minister Conference?

6 Let me continue to read from the same telegram:

7 "Since Cabinet confirmed renewed proposal of
8 5 June, War Minister deems early conclusion attainable
9 with following mutual concessions:

10 "Berlin and Rome declare to Japanese Ambassador
11 Japanese proposal of 5 June acceptable with the provisos:

12 "1. That they provide that no mental reserva-
13 tion is behind the wording;

14 "2. That verbal form of a Japanese supplement-
15 ary statement be found. War Minister then expects to
16 put through:

17 "Re 1: express Japanese confirmation of this
18 interpretation,

19 "Re 2: verbal statement, which was to be set
20 forth in the protocol to the treaty would be prominent-
21 ly mentioned. General NACHIJIRI almost entreatingly
22 requested concession before 15 August. War Minister
23 will communicate fact of his demarche with us to O.
24 and SHIRATORI, bypassing Foreign Ministry."

25 Does this refresh your recollection regarding

1 the views of the War Minister and his communication
2 with you, and are not these matters true?

3 A I have never heard of this.

4 Q With further reference to the views of War
5 Minister ITAGAKI, I direct your attention to the tele-
6 gram of 18 August 1939 from Ambassador Ott for the
7 German State Secretary, being the second telegram in
8 exhibit 2198, which likewise was not read in evidence.
9 I will ask you to follow the reading of the first and a
10 part of the second paragraphs.

11 A Are you referring to this telegram?

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1 O Yes, the second telegram therein, dated
2 August 18, 1939:

3 "Domestic political following in the alliance
4 question continues undiminished. Press reports of
5 supposed compromise possibilities between Foreign and
6 War Ministers inexact. In last Five-Minister confer-
7 ence Foreign Minister was assigned task of again
8 clearly fixing text of Japanese alliance proposal
9 of 5 June without any essential change. This draft
10 is to be distributed among the participating ministers
11 and in case of acceptance at next Five-Minister con-
12 ference transmitted to ambassadors Berlin, Rome for
13 literal, written delivery to governments.

14 "War Minister rejected project of Foreign
15 Minister as unacceptable and continues to insist on
16 going beyond the proposals of 5 June. Since he was
17 unable to break through the unanimous front of the
18 other ministers, he deems his resignation unavoidable,
19 according to reliable information from the War Ministry.
20 He is strengthened by the pressure of junior officers,
21 who are demanding unconditional alliance."

22 Does that not refresh your recollection of the
23 views of the War Minister ITAGAKI and are they not now
24 recognized by you as being true and correct?

25 A I have not even heard of this.

O ~~Was Captain ENDO your Naval Attache in Berlin~~

1 in July, 1939?

2 A Yes, he was.

3 Q Do you recall, and is it not a fact, that some
4 time in July Captain ENDO made an explanation of the
5 position of the Japanese Navy in regard to the strength-
6 ening of the Anti-Comintern Pact to the Chief Secretary
7 of the German Navy Ministry, wherein he stated that if
8 war should break out between Germany-Italy and England-
9 France it would be fine if Japan maintained a friendly
10 neutrality, and that upon learning of this from
11 Captain ENDO you became very angry and inquired of
12 Stahmer if Ribbentrop knew that?

13 A No, that is not so.

14 Q What office in Germany was held by Viehl?

15 A He was Director of the Commerce Trade Bureau.

16 Q Did you have a conference with him in Berlin
17 on 21 December 1938 in which he informed you that
18 Ribbentrop insisted that preferred treatment be given
19 Germany as compared with third powers in China, and
20 that this should be stipulated in writing in the
21 Pro-Memorial regarding German-Japanese cooperation in
22 China?

23 A I have no recollection.

24 Q Let me see if I can refresh your recollection.
25 Did not Viehl stress in that conference the fact that
Germany was entitled to a preferential treatment, not

1 only politically, but also economically and morally,
2 because of her aid given to China, such as recall of
3 military advisor, stoppage of war materials and losses
4 resulting therefrom?

5 THE MONITOR: Did you mean China, Mr. Tavenner,
6 or Japan?

7 MR. TAVENNER: China -- oh, just a moment --
8 "aid given to Japan."

9 A I have no recollection whether he said anything
10 like that. That is because economic matters were en-
11 tirely in the hands of economic experts and even if
12 such matters were brought to the attention of the
13 Embassy, that would be only by these experts in my
14 staff. At any rate, no recollection -- I have only
15 the faintest recollection with regard to economic
16 subjects and I do not recall this at all.

17 Q Well do you not recall that you declared that
18 you had always urged preferential treatment and that
19 the Japanese Army was in favor of it?

20 A I have no recollection.

21 Q Do you not also recall that in that conference
22 you told Viehl that you had sent an energetic wire
23 report to Tokyo on 9 December to the effect that the
24 preferential treatment should be granted in writing?

25 A I have no recollection, and by that I mean that
any negotiations with Viehl was conducted in principle

by the economic experts in my staff in the Embassy.

1 However, it may be possible that the official in
2 charge of economic matters in my Embassy may have
3 talked of such matters to Wiehl, but I have no
4 connection with --

5 THE MONITOR: Correction, please. Strike
6 that last. However, it may be possible that the
7 official in charge of economic affairs in my Embassy
8 may have talked with Wiehl about something that I
9 told this officer in charge, but I have no recollec-
10 tion of my having talked with Wiehl. That was because
11 I had almost no knowledge of economics at all.

12 Q Well, regardless of your present recollection
13 of having made that statement to Wiehl, is it not true
14 that you sent such a wire to Tokyo on 9 December?

15 A Well, that may have been sent, but such
16 matters were entirely in the hands of the Economic
17 Department in the Embassy and so I have no recollection.

18 Q Did you not further inform Wiehl that you had
19 sent letters to the same effect to leading personalities
20 of the Japanese Army through a Japanese general who
21 recently visited Berlin?

22 A I may have.

23 Q While a representative of the Japanese Govern-
24 ment in Germany, is it not true that you were chief of
25 all Japanese diplomatic representatives and intelligence

1 services in Europe?

2 A No, all ambassadors and ministers were
3 independent of each other.

4 ACTING PRESIDENT: We will adjourn until 1:30.

5 (Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

* The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Mr. Tavenner.

HIROSHI OSHIMA, an accused, resumed the stand and testified through Japanese interpreters as follows:

CROSS-EXAMINATION

BY MR. TAVENNER (Continued):

Q General OSHIMA, in your affidavit you have characterized the conclusion of the German-Russian Nonaggression Pact as an act of extreme bad faith on the part of Germany. Did you later change your views on that subject?

A No, I have not.

Q Did you not state in your interrogation that one of your reasons for resigning as ambassador was that you mistrusted the German leaders; is that correct?

A What I stated was they hurt my feelings.

Q Did you change your views in that regard?

A I did not. In connection with this interrogation I recall that when the passage was read back to

1 me in which the word "mistrust" was used, I corrected
2 that passage saying that they hurt my feelings.

3 Q Did you consider that the conclusion of the
4 German-Russian Nonaggression Pact created an extremely
5 critical situation between the two governments of
6 Germany and Japan?

7 A No, I did not think so; not in that manner.

8 Q As a result of the conclusion of that pact
9 there was a cooling off of the relationship between
10 Japan and Germany, was there not?

11 A Yes, they cooled off in their sentiments.

12 Q What did you do about it, if anything?

13 A The Japanese side only filed a protest
14 against Germany for concluding this nonaggression
15 pact with Russia.

16 Q Well, did you do anything else about it
17 yourself other than that?

18 A I myself lodged a protest twice with the
19 receipt of the notification.

20 Q I mean in addition to what you did in that
21 connection, was there anything else?

22 A No, there was nothing.

23 MR. TAVENNER: Will the marshal of the court
24 please hand to the witness prosecution document 3268?

25 (Whereupon, a document was handed to

the witness.)

Q This is the January 1940 issue of the magazine "Bungei Shunju" and I ask you if at page 64 you find printed therein an article entitled, "The Idea of German Diplomacy" written by you?

A Yes, there is.

MR. TAVENNER: I offer for identification only prosecution document No. 3268 and I desire to tender in evidence prosecution document No. 3268-A, an excerpt therefrom consisting of the article mentioned.

ACTING PRESIDENT: The first document will be received for identification only; the second will be received in evidence.

CLERK OF THE COURT: "The Bungei Shunju" for January 1940 will receive exhibit No. 3516 for identification only; the excerpt therefrom, being prosecution document 3268-A, will receive exhibit No. 3516-A.

(Whereupon, IPS document 3268 was marked prosecution exhibit No. 3516 for identification only; the excerpt therefrom, being IPS document 3268-A, was marked prosecution exhibit No. 3516-A and received in evidence.)

MR. TAVENNER: I will read in evidence exhibit 3516-A, the "Bungei Shunju," January 1940:

1 "The Idea of German Diplomacy

2 "OSHIMA Hiroshi

3 "German diplomacy is, as a matter of fact,
4 Fuehrer Hitler's diplomacy. Hitler mentions honor
5 (Ehre), equality (Gleichheit), and freedom (Freiheit)
6 as the three principles of diplomacy. In other words,
7 he means to bravely endeavor to improve such things
8 as impair the honor of Germany, hinder her equality
9 and take her freedom away.

10 "For instance, the Versailles Treaty is
11 against these three principles. Therefore Germany
12 tried to break herself off from this regime, and the
13 declaration of re-armaments, the denunciation of the
14 Locarno Treaty, the occupation of Rhineland and other
15 daring acts with which Germany is now throwing the
16 world into utter amazement -- they have all come from
17 these three principles. Any obstacle to the honor of
18 Germany, to the equality of Germany, and to the freedom
19 of Germany must be swept as soon as possible.

20 "Practical affairs of course do not always
21 conform with principles. Each country has her own
22 fine diplomatic principles. Weak countries are too
23 powerless to carry out their ideals, while strong ones,
24 depending upon their power, entrench themselves behind
25 the shield of their principles. Germany, however,

1 may be said to be one of those countries which are
2 steadily carrying out their ideals and leading
3 principles. Lookers-on may think that their state
4 ideals are carried out too hastily and somewhat over-
5 bearingly, but at least Hitler himself is convinced
6 that he is carrying out sound diplomatic policies at
7 opportune moments.

8 "This way of thinking is revealed in various
9 diplomatic policies. To cite an example, it is clearly
10 shown in Hitler's diplomatic document exchanged with
11 the British Government in the well-known 'blank docu-
12 ment' in the recent Polish trouble. That is to say,
13 Great Britain desired the withdrawal of the German
14 forces when they advanced into Poland, suggested
15 that Germany and Poland should negotiate afresh on a
16 blank slate and proposed that the British Government
17 should also join in these negotiations at such time.
18 Hitler, however, flatly refused this request.

19 "As answered the German forces might give ear
20 to such requests of Great Britain and France when they
21 had accomplished the aim of their advances, namely after
22 they had secured victory, but while the objective of
23 advances with good reasons is not achieved, for the
24 sake of German 'honor,' it is impossible to withdraw
25 her troops, even for the convenience of diplomatic

negotiations. This shows us how important they think
1 of honor.

2 "In the complicated international relations
3 of today, however, mere speech cannot secure the
4 safety of a country. It can be understood that she
5 /Germany/ has endeavored to maintain a strong army
6 in a short time as a support to back her and to carry
7 out her own diplomacy of the three principles under
8 the support of this real power. She has often
9 achieved bloodless victory because to accomplish her
10 purposes, she attended to affairs being prepared for
11 war in the worst case. The difficult work of the
12 present reconstruction of Germany has been accomplished
13 entirely because of the sagacity of the statesmen to
14 perceive the development of things, decision at the
15 right moment, a powerful army, perfect command with
16 the whole nation under it and /the nation's/ trust
17 /in the command/. It deserves our admiration that
18 Germany has made herself what she is under the complicated
19 situation of Europe.

20 "Can it be considered that the bloodless
21 diplomacy, however, which annexed Austria, and dealt
22 with Czecho /-Slovakia/ twice, failed in its diplomacy.
23 by giving rise to the second Great World War by finally
24 making a foe of England and France by annihilating

1 Poland on the pretext of the Danzig problem?

2 "Now, diplomacy presupposes the other party.

3 It is by nature adaptable to any changes to suit the

4 occasion, and it is not necessarily right to think

5 that German diplomacy made a failure or a miscalcula-

6 tion in coming to the present War. Germany was

7 always prepared for war and carried out all policies

8 on that basis. That is to say, she was determined to

9 resort to arms at any moment according to the other

10 party's attitude towards her when she carried out her

11 own positive policies. In this way the victory of

12 bloodless diplomacy came to be talked about, and her

13 firm resolution was the same this time as before.

14 "There is nothing more necessary at present

15 than such close connection of diplomacy and military

16 force.

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1 "The conclusion of the Non-Aggression Treaty
2 between Germany and the Soviet Union gives us an im-
3 pression that both countries were, evilly-speaking,
4 too crafty. I think this infuriated not a few of the
5 people. I think we cannot, however, rightly oppose
6 (denounce) this as the last measure Germany resorted
7 to in her critical situation when by this means she
8 would either be forced to make operations on two
9 fronts or by only one front, or be able to avoid war.
10 Is not the Soviet Union at present desiring merely to
11 advance to the Baltic Sea on one hand and to reach a
12 rapprochement with Japan in the Far East on the other?
13 Diplomacy of course admits of no conjectures, but I
14 think it may be possible at this juncture to make the
15 Soviet Union wash her hands of China.

16 "Fuehrer Hitler carries on German diplomacy
17 himself. Ribbentrop is a good assistant to him. Hit-
18 ler himself was a superior private in the World War (I)
19 and has no experience whatsoever as a diplomat. He
20 has become from his particular character a first-
21 class personage and diplomat in the world.

22 "He takes to histories and philosophical works
23 while busy in state affairs, meditates hard and is
24 devising all policies from the principles which have
25 crystallized in his head. Ribbentrop is quite one

1 with Hitler and has a good understanding of Hitler's
2 diplomatic belief, and it is not too much to say that
3 German diplomacy lies in the hands of these two. Such
4 being the case, quick daring diplomacy could be car-
5 ried out which astonished the world. Ribbentrop has
6 an acute intellect and a quick perception -- a thing
7 which Germans seldom have. He also has a very strong
8 will and is a type of man who never fails to go
9 through what he has determined to do. He is exactly
10 the right diplomatic assistant who has no match in
11 the positive diplomacy that is the upshot of the pre-
12 sent 'Nazis' ideology.' Ribbentrop's trait is, to be
13 more exact, to spare no pains. Usually no policies
14 are carried out without some obstacles or other. He
15 is truly a modern international statesman who is ready,
16 in such cases, to fly to Rome or London and handles
17 the matter quickly. Being such a type of active
18 man, he does not stick to trifles or care about
19 minor details in negotiation or dispute, but tries to
20 grasp main points. In this sense, I could not but
21 recognize his quick perception in my various actual
22 negotiations.

23 "He is not a very early riser, as foreigners
24 go, but tenaciously sits at work very late at night.
25 He is quite a different type of statesman from the

1 so-called petty officials.

2 "I had much intercourse with Goering and
3 other military men while I was a resident officer, and
4 I have been acquainted with Ribbentrop and other dip-
5 lomats and statesmen since I was an ambassador. These
6 men gave me an impression that the Nazi leaders were
7 all settled in resolution and that they were young.

8 "Since the Munchen disturbance in November,
9 1923, the present Nazis have been under the oppression
10 of communism and social democracy, have often lingered
11 on the verge of death, have exposed themselves to dan-
12 ger from morning till night -- they have busied them-
13 selves so much to make the defeated Germany what she
14 is today -- a fact which I think has had an effect
15 upon their character, has trained them and has made of
16 them statesmen who are sincerely anxious about the
17 future of their country and grapple with their nation-
18 al crisis.

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20 "As Germans usually do, Fuehrer Hitler strong-
21 ly trusts and respects Japan. It is true that he had
22 political interest, but he depends much upon the Jap-
23 anese nationality and the character of the Japanese.

24
25 "Hitler paid attention to German history and
the traditions of the foundation of their country, upon
which school education also laid stress. This is per-

1 haps because he knew that a man could not perform his
2 duty as a citizen of his country unless he respected
3 the history of his country. It was quite natural that
4 he respected our history of 2600 years.

5 "He also teaches, 'Be always brave.' In his
6 speech in the Reichstag of September 1, he said, 'Let
7 Goering be commander when I am killed at the front;
8 let Hess succeed Goering when he dies; and choose
9 the bravest Nazi when Hess dies,' and went immediately
10 to the front and to the first line. The Japanese are
11 likewise very brave, a people who do not fear death.
12 Hitler was thus faithful to his belief and loved to
13 be bold and daring.

14 "It is quite natural that even the parties
15 concerned should be unable to foretell the saying,
16 'what will become of the European War?' The view is
17 prevalent that a modern war is a protracted national
18 total war. Germany is now of course well aware of
19 this. And yet she has entered into war, so we might
20 think that she is prepared for a protracted war and
21 at the same time has confidence in her operations to
22 win the war in a short time.

23 "Victory is, however, as is called, an un-
24 certain affair. Nobody can tell which side will win.

25 "It is dangerous to judge the present war by

1 the standards of past wars. What were operations on
2 two fronts before are now operations on one front,
3 and each country is trying to localise the war. We
4 have to constantly watch how the world is moving,
5 to make a good study of war and to ponder quietly
6 upon its results. Whether they are participants or
7 not, all Powers are affected by the war in question.
8 Our Government, at this juncture, must establish
9 national policies and to exert itself to carry them
10 out.

11 "Our policies towards the United States and
12 towards the Soviet Union must be grasped in a wide
13 sense as links of our world policy. A far-sighted
14 policy has to be formulated for future Japan so as
15 to win the consent of the people.

16 "The European War occurred after a lapse of
17 25 years. Everybody must take this opportunity to
18 lead Japan to greater prosperity in the world."

19 Q In January, 1940, the month after your re-
20 turn from a five and a half year sojourn in the land
21 of Hitler and the Nazi Party, you knew of the found-
22 ing of the Gestapo under Goering in 1933, didn't you?

23 A When it was founded I do not know, but I
24 knew of the existence of the Gestapo.

25 Q You knew that Hitler's *Wein Kampf*, teaching

1 the right of pure Germans to dominate all races, and
2 that force is necessary to solve international problems,
3 had been used in the schools and colleges throughout
4 Germany and distributed to all government officials,
5 did you not?

6 A I knew that the book was widely read, but I
7 did not know that it was distributed according to such
8 a plan as just suggested.

9 Q You witnessed, in June, 1934, the murder
10 without warning of those who opposed the Hitlerian
11 doctrines in what was notoriously known as the "Blood
12 Bath," did you not?

13 A I knew of this incident, but I did not know
14 its cause.

15 Q And, incidentally, this blood bath had its
16 counterpart in Japan in the various assassinations
17 between 1931 and 1936 of those who opposed the policy
18 of the Japanese Army, isn't that true?

19 A Since I was not in Japan after 1934, I have
20 no knowledge upon which to base any views or opinions
21 with regard to these series of incidents.

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1 Q You also witnessed the establishment of the
2 notorious concentration camps in Germany and you were
3 familiar with the reign of terror that followed, isn't
4 that true?

5 MR. CUNNINGHAM: Your Honor, I wish to object
6 to this series of speeches. These are matters of which
7 every school boy knew and are not matters for the deter-
mination of this Tribunal.

8 ACTING PRESIDENT: Objection overruled.

9 A I knew of the concentration camps but I have
10 never seen them. And also I heard rumors of maltreat-
11 ment but I have never investigated the facts.

12 Q With all this knowledge and more on your part
13 you prepared this article relating to the so-called
14 Hitler diplomacy of honor, equality and freedom for the
15 purpose of aligning more closely the Japanese Government
16 and people with Hitlerite Germany, is that not true?

17 I No, there was no particularly deep meaning for
18 my writing the article. I wrote the article because
19 the Japanese people at large at that time were interested
20 in knowing about conditions in Germany and about German
21 leaders, and I wrote this article in order to introduce
22 the better side of Germany. In all things there are the
23 good aspects and the bad aspects and in this case I
24 introduced the good aspects to the people of Japan.

1 Q Now, in this public statement you asserted
2 in effect that Germany established a strong army in
3 order that Hitler's three principles of so-called
4 diplomacy of honor, equality and freedom would have
5 the support of real power and by it Germany had often
6 achieved bloodless victories. By bloodless victories
7 were you referring to such events as the Nazi Putsch
8 in Vienna in July 1934 when Dollfuss was assassinated,
9 the occupation of the Rhineland in March 1936 in viola-
10 tion of the Treaty of Versailles, the Austrian Anschluss
11 in March 1938 when Von Schuschnigg was forced to resign
12 upon threat of German invasion, the incorporation of
13 Austria into the Reich in March 1938, and the occupation
14 of the Sudeten area of Czechoslovakia in October 1938?

15 A Yes, I was referring to these various incidents.

16 Q Then you consider that those incidents and, as
17 you state in this article, the annihilation of Poland
18 on the pretext of the Danzig problem were the better
19 parts of Germany which you wanted to recommend to the
20 Japanese people?

21 A It is my thinking that such matters as the
22 significance of an incident of this kind should await
23 the comments of future historians.

24 Q You, however, were not awaiting on future history
25 to comment. You were imparting your conception or your

ideas of Germany to both the Japanese Government and
1 the Japanese people through this article, weren't you?

2 A No, I wasn't urging this on the Japanese people.

3 Q No, but you were helping history along by
4 encouraging it and presenting it to the Japanese people,
5 weren't you?

6 A No, not so. I understood your question to be
7 whether this was good or bad -- this was a good aspect
8 or a bad aspect, and in reply to that question I said
9 that we must await the judgment of future historians.
10
11 hat I wrote in the article was the actual state of
12 affairs. I was not encouraging it on the Japanese people.

13 Q Well, you were trying to warm up the relations
14 between Germany and Japan which you said a moment ago
15 had cooled because of the German-Russian pact, weren't
16 you?

17 A No, that is not so. I wrote the article because
18 there were many Japanese who desired to know about con-
19 ditions in Germany. I did not write the article on my
20 own volition, initiative.

21 Q Then who asked you to write it?

22 A The magazine publishing company itself was the
23 party that asked me.

24 Q And did the General Staff ask you?

25 A There has been no occasion when I was asked by

1 by the General Staff Office.

2 Q I am not talking about the General Staff Office.
3 I mean anyone connected with the General Staff.

4 A No one.

5 Q In this article you pictured to the Japanese
6 people that Germany as a nation always prepared for war
7 and determined to resort to arms at any moment in order
8 to carry out her own positive policies. Had not the
9 same thing been true in Japan since the Manchurian
10 Incident?

11 A I think that in any country -- correction:
12 I think that any country is armed for any eventuality.

13 Q When you added, "There is nothing more neces-
14 sary at present than such close connection of diplomacy
15 and military force," were you advocating a military
16 partnership between Japan and Germany in order that both
17 nations may better carry out their own positive policies?

18 A Now, this is not a document but an article
19 written at the behest of the magazine to answer the
20 demands of the reading Japanese public and, therefore,
21 it has no deep significance of any kind. It was not
22 written for the purpose of influencing Japanese policy.

23 THE INTERPRETER: Just before the word "docu-
24 ment" will the reporter insert "this is not a diplomatic
25 document".

1 Q My question to you was whether or not in this
2 article you advocated a military partnership between
3 Japan and Germany for the purpose of better enabling
4 the two nations to carry out their positive policies.

5 A It was not written with such a purpose or
6 objective.

7 Q When you state at page 26 of your affidavit
8 that your constant idea was that a military alliance
9 between Japan and Germany was meant to be used as a
10 means in diplomatic negotiations, did you not actually
11 mean, in keeping with the sense of this article, that
12 you would not hesitate to hold a loaded pistol to the
13 head of your neighbor determined to pull the trigger
14 if he refused to obey your directions?

15 A There is no connection between what I wrote
16 in the magazine article and what I wrote in my affidavit
17 with regard to this as a means in diplomatic negotiations.

18 Q Your statement in this article that "our
19 government, at this juncture, must establish national
20 policies and to exert itself to carry them out" was
21 intended as a criticism and an attack on those in the
22 government who were opposed to the Tripartite military
23 alliance, is that not true?

24 A Because I was unfamiliar with conditions within

1 Japan I was not offering any concrete plans or projects
2 or program. I merely wrote in a very abstract manner
3 that the Japanese people should not be disturbed or
4 remain in a state of confusion or unrest. I was not
5 advocating any alliance.

6 Q This public demand made by you that the Japanese
7 government establish national policies at this juncture
8 finally reached fruition in the replacement of the
9 YONAI Cabinet by the Second KONOYE Cabinet in July, 1940,
10 and the conclusion by it of the Tripartite Pact on
11 September 27, 1940, is that not true?

12 A These incidents occurred one after the other
13 but I had no connection with them.

14 Q After your return to Japan from Germany did
15 you have conversations with Ambassador SHIRATORI in
16 which you discussed various aspects of the Tripartite
17 Alliance and, if so, when did these conversations take
18 place?

19 A Being acquaintances we, of course, met but
20 there was no occasion and at no time did we combine
21 together to promote a Tripartite Alliance.

22 Q Now, will you answer my question which is
23 this --

24 A My understanding of your question was whether
25 or not SHIRATORI and I jointly promoted the conclusion

1 of the Tripartite Alliance and it was to that question
2 that I replied that there was no occasion on which we
3 combined on such a project.

4 Q I didn't ask you anything about combining on
5 a project. I asked you if you talked on occasions to
6 SHIRATORI about various aspects of the Tripartite
7 Alliance.

8 A I think there may have been occasions when
9 the subject of the Tripartite Alliance came up when we
10 met but at no time did we ever discuss any concrete
11 measures for it.

12 Q SHIRATORI at that time was still ambassador
13 without assignment, was he not?

14 A I think he was.

15 Q And he discussed with you from time to time or
16 talked with you from time to time about what was going
17 on about the Tripartite Pact, didn't he?

18 A No.

19 Q Well, I understood you to say a moment ago
20 that you did talk of the matter on occasions. Did I
21 misunderstand you?

22 A That isn't so. I said that because we were
23 acquaintances we met socially and the subject may have
24 come up, may have been brought up, but that we had never
25 discussed the question of the Tripartite Alliance in

1 particular.

2 Q Did Stahmer, special envoy of Ribbentrop, con-
3 fer with you in Japan during the summer of 1940 and, if
4 so, in what month did he first talk to you?

5 A I met him but I had no occasion to discuss
6 with him. The time that I met him was in September.

7 Q What time in September?

8 A The first part of it.

9 Q How early in September?

10 A He called on me shortly after he arrived.

11 Q Had negotiations for the pact begun at that
12 time?

13 Q There were no negotiations as yet.

14 Q Did he talk to you about the proposed pact?

15 A No, he did not.

16 Q As a matter of fact didn't you tell him to go
17 and discuss the matter with MATSUOKA.

18 A Oh yes, I did. He came to see me with a present
19 from Germany. At that time he said that he had come
20 with preparations to talk on the matter, to which I said
21 that I was in no position to be concerned with it so that
22 he had better see MATSUOKA and discuss the matter with
23 him.

25 Q Then did Stahmer go to see MATSUOKA?

 A I think he did although I do not know.

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1 Q Now, let me see about that. After these
negotiations were opened, weren't you invited to the
German Embassy as Stahmer's guest?

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3 A As I stated in the interrogation conducted in
February, shortly after that I was invited to a dinner
4 at the German Embassy.

5 Q You do not need to refer to any other docu-
6 ment. Just answer my question, please. Did not
7 Stahmer tell you at that time that he was negotiating
8 9 with MATSUOKA regarding the pact?

10 A Yes, he did. What he said was that negotia-
11 tions were under way and that MATSUOKA wanted to issue
12 13 a statement but that he, Stahmer, objected to it.

14 THE INTERPRETER: Slight correction: to
15 16 which he, Stahmer, said that that would be troublesome
or objectionable.

17 A (Continuing) I did not hear the contents of
18 the matter broached by Stahmer. That was all he told
19 me, and since it was a dinner affair, we did not go
20 further into the question. I merely told him that he
21 had better see MATSUOKA about it, and I further told
22 him that I was in no position to give him any assistance
23 in the matter. That was all.

24 Q In other words, Stahmer was asking your advice
25 regarding this step in the negotiations, wasn't he?

1 A No, he was not.

2 Q Just a moment -- and you advised him to express
3 his views clearly to MATSUOKA, didn't you?

4 A No. If I were to give him any advice or
5 express my views I would first have to know the contents
6 of the German proposal and what MATSUOKA said in
7 regard thereto.

8 Q Well, didn't you advise him to express his
9 views clearly to MATSUOKA?

10 A No, that was not an advice. I made just such
11 a reply to a question that he put to me, in the course
12 of the conversation.

13 Q Then you are drawing a distinction between
14 advising him to do a thing and telling him to do it?

15 A No, I am not making any distinctions,
16 necessarily. But I am stating that I gave him no advice
17 I do not think that I gave him any advice.

18 THE INTERPRETER: I will repeat the last
19 answer given by the witness:

20 A I am not making any distinctions necessarily.
21 I am only saying that I do not have any feeling I gave
22 any advice.

23 Q Was MATSUOKA or other of the diplomatic
24 councilors of the Foreign Office -- SHIRATORI and
25 SAITO -- present at this conference at the German

Embassy?

A No one was there. Only I was invited to the dinner.

Q This was a private interview between you and Stahmer, with no one else present?

A No; Ott was also present.

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1 Q Was not the signing of the Tripartite Pact
2 and the formation of the Imperial Rule Assistance
3 Association jointly celebrated by Japanese and
4 Germans throughout Japan on Sunday morning, 13 October
5 1940?

6 A I do not know.

7 Q By that do I understand that you were not
8 present at any such occasion?

9 A No, I was not present.

10 Q Were you in favor of this partnership between
11 Japan, Germany, and Italy, known as the Tripartite
12 Pact?

13 A I myself, of course, supported it because it had
14 already been decided as a national policy and was also
15 supported by the Japanese people at large.

16 Q At the time of its adoption or conclusion were
17 you in favor of it?

18 A Yes, I expressed favor.

19 Q Were there substantial elements in Japan
20 which did not approve of this pact?

21 A At that time since this question was a very
22 large and important one, I knew that there were some
23 who opposed the conclusion of such a pact -- Naturally,
24 as this was a big and important question at that time
25 I thought that there would be some opposition to it,

1 but at that time I did not realize that there were
2 as many opponents to such a pact as I learned through
3 the information presented before this Tribunal.

4 Q Now, what means were used by the leaders
5 in the Japanese Government to silence this opposition?

6 A Being an outsider, I knew nothing.

7 Q Well, is it not true that you do know that
8 an Imperial edict was secured which had the effect of
9 compelling the Japanese nation to follow the provisions
10 of the Tripartite Alliance, and didn't you so inform
11 Hitler or Ribbentrop?

12 A No, I made no such report, but I think it
13 was only natural that the Imperial Rescript expressed
14 the inclination of the people at large -- no, I made
15 no such report, but this Imperial Rescript was used
16 for the purpose of uniting the people as one, and of
17 this fact I informed the leaders of Germany upon my
18 return to that country.

19 Q Did you advise that the Emperor be used in
20 this manner?

21 A Being an outsider, I had no connection with
22 such matters.

23 Q Exhibit 562, page 6,429 of the transcript,
24 is a telegram from Ambassador Ott of 31 January 1931,
25 in which it is stated, "Unity of government and nation

1 behind the Tripartite Pact has been unmistakably
2 proved in the Diet negotiations."

3 What, if anything, did you do to secure
4 the unity of the government and nation behind the
5 Tripartite Pact?

6 A I did nothing.

7 ACTING PRESIDENT: We will recess for
8 fifteen minutes.

9 ("hereupon, at 1445, a recess
10 was taken until 1500, after which the
11 proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE INTERPRETER: If the Court please, this
4 is the Language Section. In two places, just prior
5 to the recess, the interpreter used the words "Being
6 an outsider..." Will the reporters correct this to
7 read "Being one out of office..."

8 ACTING PRESIDENT: Mr. Tavenner.

9 BY MR. TAVENNER (Continued):

10 Q General OSHIMA, I am informed that when I
11 asked you the question a few minutes ago whether or
12 not there was a joint celebration of the conclusion
13 of the Tripartite Alliance and the establishment of
14 the Imperial Rule Assistance Association that I said
15 "October 30, 1941." I meant to say "October 13, 1940."
16 Would that correction of the date change your answer?

17 A No, my answer does not change. I did not
18 attend.

19 MR. TAVENNER: I ask the Marshal of the
20 Court to hand the witness prosecution document 2377.

21 (Whereupon, a document was handed to
22 the witness.)

23 Q It is a copy of the November, 1940 issue
24 of the magazine Dai-Asia Shugi; and I will ask you
25 if you find on page 2 of this issue that there is

printed an article entitled, "Tripartite Alliance
1 and the United States" written by you?

2 A Yes, there is. There is, but will you wait
3 just a moment?

4 (The witness examined the document.)

5 A (Continuing) I have no recollection as to
6 ever making -- as to every having given such a talk
7 to a representative of the Dai-Asia Shugi Magazine.
8 It appears to me that this was an article based upon
9 something that I said somewhere else.

10 Q You stated in your interrogation when Mr.
11 Hyde interrogated you that you had published an article
12 in the summer -- fall of 1940 in that very magazine,
13 didn't you?

14 A My recollection is that the magazines --
15 the names of the magazines which I spoke to Mr. Hyde
16 about were the Bungei Shunju and the Yomiuri Shimbun.
17 I have no recollection of ever having mentioned the
18 name "Dai-Asia Shugi Magazine."

19 Q Well, at any rate, this is an article written
20 by ~~you~~, is it not?

21 A My name is printed here, but I have no
22 recollection of this article. Probably this was the
23 society with which MATSUI was associated, as was
24 mentioned here in this Tribunal a few days ago, but

1 I had no connection with this society at all.

2 Will you give me the opportunity to glance
3 through this article?

4 Q Yes.

5 (The witness examined the document.)

6 A I say with certainty that I have no
7 recollection as to saying to Mr. Hyde that I wrote
8 this article, but after looking at the contents it
9 appears to be something written by me.

10 Q Now, will you examine the inside of the
11 back cover sheet of this magazine and state whether
12 or not it appears that the magazine is published by
13 the Greater Asia Association?

14 A Yes, it is.

15 Q Will you examine it further and advise me
16 whether or not I am correct in stating that the
17 following accused were officials of this association:
18 MATSUI, Iwane --

19 (The witness spoke.)

20 Q (Continuing) -- Chief of the association,--

21 A Yes.

22 Q -- HIROTA, Koki, SHIRATORI, Toshio, and
23 MATSUOKA, Yokusuke, Councillors of the association;
24 and SUZUKI, Teiichi, a Director of the association?

25 A Wait just a moment.

Yes, I see these names.

1 Q When I first asked this question it seemed
2 to me that you replied before it was translated.

3 MR. TAVENNER: I offer for identification
4 only prosecution document No. 2377 and I tender in
5 evidence prosecution document No. 2377-A, an excerpt
6 therefrom, consisting of the article written by this
7 witness.

8 ACTING PRESIDENT: It will be admitted
9 accordingly.

10 CLERK OF THE COURT: The Dai-Asia Shugi for
11 1940 will receive exhibit No. 3517 for identification
12 only. The excerpt therefrom, being IPS document 2377-A,
13 will receive exhibit 3517-A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution exhibit No.
16 3517 for identification; the excerpt there-
17 from being marked prosecution exhibit No.
18 3517-A and received in evidence.)

19 MR. TAVENNER: I will read this exhibit:
20 "The Tripartite Alliance and the United States
21 of America

22 "(I)
23 "The fact that the Tripartite Alliance was
24 concluded recently and the Imperial Rescript graciously

1 promulgated, truly fills one with a sense of gratitude.

2 "As is made clear in the Imperial Rescript,
3 the object of the recent alliance treaty differs
4 greatly in spirit from that of other treaties of
5 alliance. In an old Chinese classic it states:
6 'Heaven begot man, gave him land and substance to
7 enable him to earn his livelihood and practice virtue.'
8 This is most true, and may even be called a Law of
9 Nature.

10 "In our country, we have always striven for
11 the manifestation of Hakko Ichū, ever since the founding
12 of the nation based upon the oracle of Emperor JIMMU.
13 The Sino-Japanese War, the Russo-Japanese War, and the
14 **Manchurian Incident** were all carried out with this
15 spirit. It is needless to say that the present China
16 Incident, too, is being carried out with the idea of
17 improving China and of trying to establish a new order
18 in East Asia.

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"In Europe, too, the object of Germany
1 and Italy in starting the recent war is quite
2 different from those of previous ones. Hitler says:
3 'God did not create the world for one or two races.
4 Those born into this world have the right to live
5 in this world, at the same time. The natural re-
6 sources of the world exist for the purpose of
7 realizing the right of mankind to live in this
8 world.' The term 'right' appears and the expression
9 is incorrect, but his idea is to enable all people
10 to obtain their place in the world. Also after the
11 commencement of the European War, Hitler said:
12 "The aim of this European War lies in the estab-
13 lishment of a new order in Europe which excludes the
14 restrictive interference of England.'

"In this way, the war aims of Germany and
17 Italy lie in correcting the illogicality of the old
18 system existing in the world. It is similar to our
19 object in dealing with the China Incident, and this
20 is why the recent alliance was concluded. In other
21 words, Germany and Italy also comprehended the mani-
22 festation of Hakko Itchu, which is the great spirit
23 of the Japanese national foundation.

"Consequently, this alliance treaty differs
25 altogether in spirit from those concluded so far. If

1 we look at history, we can see that there have been
2 until now many treaties with various nationson
3 alliances, agreements, trades, etc., but they were
4 all concluded for the purpose of fulfilling personal
5 desires. For instance, when Nation A wanted to
6 attack Nation B, she formed an alliance with Nation
7 C, and the two of them attacked Nation B together.
8 Or, in an extreme case, when A wanted to attack B,
9 she induced C into an alliance, and in the actual
10 battle A herself did not exert much effort but made
11 C attack B, and tried to reap the fruits only.
12 Britain is a good example of this.
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1 "As I have just stated, the fact that this
2 recent alliance was concluded with the grand object
3 of establishing a new order in the world, constitutes
4 the great feature of the treaty. We must fully
5 recognize this significance, and I believe that the
6 entire nation must unitedly support the Government
7 in order to make the application of this treaty
8 effective and appropriate.

9 "I shall next state two or three points
10 concerning the contents of the alliance. In this
11 treaty, Germany and Italy recognize and respect our
12 position of leadership in Greater East Asia. It is
13 needless to say that since the Meiji Era, our nation,
14 as the stabilizing force in East Asia, has contrib-
15 uted to the happiness of the peoples of East Asia
16 and is striving further for this end by having paid
17 great sacrifices in the Sino-Japanese War, the
18 Russo-Japanese War and in the China Incident which
19 is now taking place.

20 "Supposing that Japan did not exist, what
21 then would have been the conditions in East Asia?
22 There are countries in the world where culture was
23 developed early. These countries have advanced to
24 Africa, America, and finally to Asia, and a great
25 number of the Asiatic people have been conquered by

1 the leading European and American nations. And
2 conditions of semi-colony or of slavery have come
3 about, and the natural resources have all been
4 monopolized by these nations. The natives have
5 worked and worked, but the fruits of their labors
6 were taken away by the American and European nations
7 who are the owners. Their force knew no limit, and
8 at one time the partitioning of China was even ad-
9 vocated. However, our nation has by herself been
10 stopping and preventing the greed and ambition of
11 the European and American nations.

12 "The recent changes of the world situations
13 have conspicuously intermingled the interests of
14 the various nations of the world. Since the estab-
15 lishment of the new order in East Asia is greatly
16 influenced by situations in Europe and America, I
17 believe that the conclusion of the recent Tripar-
18 tite Alliance is extremely advantageous for the
19 purpose of accomplishing our plans.

20 "The Tripartite Alliance is advantageous
21 to our country, but at the same time, we must give
22 our co-operation to the establishment of the new
23 order of Germany and Italy, and the responsibilities
24 have become greater than ever. How to truly realize
25 our leading position, or in other words, what sort

1 of a new order should be establish in leading East
2 Asia? This is the grave mission which confronts
3 Japan. The conditions in the Dutch East Indies,
4 French Indo China, and perhaps in India and the
5 various South Sea Islands must naturally be improved.
6 It is essential that we immediately plan with our
7 Allies, German and Italy, and establish a concrete
8 policy and commence with its realization in a
9 positive manner.

10 "(II)

11 "Next comes the question of the understand-
12 ing which is included in the treaty which concerns
13 attacks made by third Powers which are not connected
14 with the present war, or conflict. This is exactly
15 in line with the frequent statements of Government
16 authorities to the effect that this Treaty absolutely
17 does not have war as its object. Anyone can see that
18 this Treaty is a peaceful one if he reads the text.
19 However, according to newspapers and cables, it
20 seems that some of the people of the United States
21 claim that this Treaty is a challenge against the
22 U. S., but this is most puzzling since it is common
23 knowledge in the world that Japan has never thought
24 of laying a hand on any U. S. territory or made any
25 preparations for it.

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1 "Above all, for over three years, our
2 country has been devoting herself to settle the
3 China Incident; what need has she to make an
4 enemy of the United States? The United States her-
5 self surely should understand this best. Therefore,
6 we cannot help but conclude that to regard this
7 treaty as a challenge to the United States means
8 either that she is unhappy about the establishment
9 of a new order in East Asia by our country, or that
10 she harbors an ambition towards East Asia.

11 "The United States of America is by no
12 means the judge of the world. If she, who has rich
13 resources and sufficient productive power in her
14 own continent, crosses the Pacific Ocean and thinks
15 of making advances into East Asia, then it will be
16 violating the above-mentioned law of Nature, and she
17 will surely be punished severely by Heaven. It is
18 actually mentioned in the preamble of the Treaty that
19 there should be no hesitancy in co-operating with any
20 country which wishes to establish a new order in
21 the world. If the United States truly desires world
22 peace, she should naturally co-operate in the estab-
23 lishment of a new order in East Asia, for which our
24 country is making efforts. Let me add in passing
25 that if the United States thinks she can make Japan

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1 yield by threats, it is also a great mistake. The
2 American attitude was practically unbearable ever
3 since the outbreak of the China Incident, but Japan
4 has been devoting herself to the settlement of the
5 China Incident and has been tolerantly awaiting the
6 United States to reconsider. The United States must
7 consider the present Tripartite Alliance an oppor-
8 tunity for her to make reconsiderations. The Japa-
9 nese are by nature a patient people, but it must be
10 remembered that there is a limit to this. If the
11 United States, with her rich resources, would
12 endeavor to establish a new order on the American
13 continent and would carry out a fair policy of ex-
14 changing resources with other continents, then not
15 only will she contribute to world peace, but also
16 much happiness will be brought to the people of the
17 American continent.
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19 "As mentioned above, by the Tripartite
20 Alliance, our country has made a start towards a
21 new diplomacy. Success or failure in this will not
22 only decide the destiny of our country and the wel-
23 fare of the peoples in East Asia but also have much
24 effect upon the establishment of world justice. At
25 this turning point of the world, all the people of
our country should make combined efforts for the

1 great Imperial ideal of the establishment of a new
2 order in Greater East Asia in accordance with the
3 Imperial wishes which have been recently promul-
4 gated."

5 BY MR. TAVENNER (Continued):

6 Q General OSHIMA, having used your influence
7 at a critical period in Japanese relations by publi-
8 cation of your article in the January, 1940, issue
9 of Bungei Shunju, the great weight of your influence
10 was again used in another critical period in your
11 effort by this article to unify both the Government
12 and the Nation behind the Tripartite Pact, is that
13 not true?

14 A I do not think that these two articles of
15 mine could have such a great influence upon society,
16 and articles written by an obscure Ambassador can-
17 not influence Japanese diplomacy.

18 I should like to add that the latter
19 article was written on the basis of the Imperial
20 rescript and the statement issued by the Japanese
21 Government generally.

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1 Q In this article you state, "The fact that
2 this recent alliance was concluded with the grand
3 object of establishing a new order in the world con-
4 stitutes the great feature of the treaty." What pro-
5 visions of the treaty provide for this great feature?

6 A Not being a drafter of the treaty, all that I
7 know is what I learned from what I heard later, and from
8 my own studies of this alliance pact. However, in
9 Article 1 there is a phrase, "To enable each and every
10 people to have their proper place in the world." I do
11 not know the exact language of the text, but the ideal
12 of the new order is expressed therein. That is what I am
13 referring to in the article.

14 Q Let me read you the exact language of that pro-
15 vision of the preamble relating to the new order:

16 "The three governments have made it a funda-
17 mental principle to establish a new order for co-
18 prosperity of its own race in Great Asia and Europe, and
19 to maintain the same end have reached the decision to
20 cooperate and coassist each other in carrying out this
21 basic fundamental in each respective field."

22 That is the provision, as I understand you,
23 which constitutes the great feature of this treaty.

24 A Several years having elapsed since the con-
25 clusion of this pact, I cannot recall with exactitude

1 the exact language in the preamble of the treaty. However,
2 I can say that the expression, "the new order"
3 represents the new feature of this treaty.

4 Q And then in Article 3, the first clause of it,
5 there is a provision which implements this preamble
6 provision in this language:

7 "Japan, Germany and Italy shall agree to co-
8 operate with one another in carrying out the aforesen-
9 tioned policy."

10 Then this new feature of the treaty which you
11 speak of is the new order provided for in the preamble
12 and which was implemented by this provision which I have
13 just read from Section 3 of the pact. That is correct,
14 is it not?

15 A That the three powers shall cooperate for the
16 establishment of the new order is not all -- does not
17 represent everything. The establishment of the new
18 order is the ideal and for this purpose various steps
19 are to be taken, and one of them -- that is, one of those
20 steps -- is there provided for.

21 MR. TAVENNER: I understand counsel has a
22 language correction.

23 ACTING PRESIDENT: Mr. Cunningham.

24 MR. CUNNINGHAM: I would like to have the
25 matter referred to the Language Section. There seems

1 to be a mistake. "New order of its own race" instead
2 of "new order for the nations of the respective areas"
3 about two questions back.

4 ACTING PRESIDENT: Do you refer to exhibit
5 3517-A?

6 MR. CUNNINGHAM: Yes.

7 MR. TAVENNER: If the Tribunal please, the
8 reference was made to a quotation that I made from the
9 preamble of the pact. The correction as he has made
10 does not change the sense of the language. I read
11 from one of the exhibits in evidence, and of course
12 if there has been an error in translation, it should
13 be corrected.

14 ACTING PRESIDENT: It will be referred to the
15 Language Section.

16 THE WITNESS: May I continue?

17 MR. TAVENNER: I think you have finished,
18 haven't you, General OSHIMA?

19 THE WITNESS: No, I have not.

20 A As I understand the question it is this: In
21 what sense does this pact contain new features? And
22 so in answer to that question I spoke of the conception
23 of the new order as mentioned in the preamble, but I
24 have not spoken to you by way of explanation as to what
25 the new order meant. If you would like to have my

1 reply on that, I shall be glad to do so.

2 MR. TAVENNER: I did not ask you that question,
3 and at this time I will not insist on your answering.

4 Q Will you tell the Tribunal, please, what Hitler
5 and Mussolini did to carry out the fundamental
6 principle, that is, the new order, contained in these
7 provisions of the pact to which we have referred?

8 A And at this point I should like to say what
9 the new order means. It means that --

10 MR. TAVENNER: Now, just a moment --

11 A (Continuing) It expresses the desire to
12 create a new and unoppressed society in the world.

13 Q Well, just answer my question, please, and
14 tell me what Hitler and Mussolini did to carry out this
15 new fundamental principle, provided for in the pact.

16 A I think that what they were doing accorded with
17 the principle.

18 Q In other words, both Hitler and Mussolini
19 continued to wage the war of aggression in Europe in
20 which they were then engaged, at the time of the conclusion
21 of this pact; isn't that true?

22 A That depends on the person.

23 MR. TAVENNER: Will you repeat that, please?

24 (Whereupon, the last answer of the
25 witness was read by the official court reporter.)

1 THE MONITOR: Correction: That depends on
2 different individuals, in the way they look at it.

3 C Well, how did you look at it?

4 A I did not necessarily consider this action to
5 be aggressive.

6 C Was there any doubt in your mind about Germany
7 being engaged in an aggressive war, in the light of
8 your information?

9 A I have conducted no detailed investigation on
10 this matter because the question --

11 (Whereupon, at the request of the
12 interpreter, the Japanese court reporter read.)

13 As the matter of whether this was an
14 aggressive war or not had no direct connection with
15 Japan, I made no detailed investigation.

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THE MONITOR: Correction: That depends on different individuals, in the way they look at it.

c "Well, how did you look at it?

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Was there any doubt in your mind about Germany being engaged in an aggressive war, in the light of your information?

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10 this matter because the question --

11 (Whereupon, at the request of the
12 interpreter, the Japanese court reporter read.)

As the matter of whether this was an aggressive war or not had no direct connection with Japan, I made no detailed investigation.

1 Q That is not my question. My question to you
2 was, did you not know and recognize at the time of the
3 conclusion of this pact that Germany was engaged in
4 an aggressive war?

5 A That is why I replied that I am in no position
6 to give my own judgment because I did not conduct any
7 detailed investigations as to whether or not this was
8 necessarily an aggressive war. Let me add here that
9 efforts were made at Geneva to define the word aggress-
10 sion and a treaty was created but not one country
11 ratified it. And having made no study of the funda-
12 mental nature of the European war, I am telling you
13 that I am in no position to state flatly whether this
14 was an aggressive war or not.

15 Q Let me ask you this question: With all your
16 experience and knowledge of German affairs, is there
17 any doubt in your mind that the annihilation of Poland
18 on the pretext of the Danzig affair, as stated in your
19 article of January 1940, was aggressive or defensive?

20 ACTING PRESIDENT: Mr. Cunningham.

21 MR. CUNNINGHAM I ask that the matter of the
22 interpretation "on the pretext of Danzig" be referred
23 to the Language Section. There seems to be an error in
24 translation on that.

25 ACTING PRESIDENT: You have been instructed before,

1 as I understand it, that you can take it up with the
2 Language Section without referring it to the Court.
3 I don't mean you personally, but all counsel.

4 MR. CUNNINGHAM: Well, this is a matter that
5 is hot now and we would rather have it cured now than
6 when it gets cold.

7 ACTING PRESIDENT: We will refer it to them now.

8 MR. TAVENNER: It has cooled off quite consid-
9 erably, your Honor, since this lengthy interruption.

10 A My reply is this: That not even Geneva was
11 able to decide the meaning of the word aggression,
12 so that it is unreasonable to ask me to define that
13 term.

14 O I was not asking you to define the term and
15 state all the shades of meaning of it. I was asking
16 you whether or not the action of Germany in overrunning
17 Poland was, in your opinion, a defensive matter for
18 Germany.

19 A It is an undeniable fact that it was Germany
20 which opened the attack.

22 O All right. Hitler's General Order No. 24,
23 exhibit 573, page 6,470 of the transcript, provided
24 that the aim of the cooperation based on the Three-Power
25 Pact must be to bring Japan as soon as possible to
active operations in the Far East. Did you not state

1 in your interrogation that by the issuance of this
2 order Hitler may have intended to invoke the state-
3 ment in the preamble about the building of a new order
4 in East Asia?

5 A I did not answer in that sense. I do not
6 know how the other party replied and I did not even
7 know of such an order.

8 Q I understand that, but that is not my question.
9 My question to you was whether or not you stated that
10 Hitler, in the issuance of such an order, endeavored
11 to invoke the statement in the preamble to the pact
12 about the establishment of the new order?

13 A No. I never thought of that that way. I do not
14 know how he thought.

15 Q My question to you was whether or not you
16 stated to Mr. Hyde that Hitler intended to invoke the
17 statement in the preamble about the building of a new
18 order in East Asia.

19 A I have no recollection of making such a reply.

20 Q Well, let me see if I can refresh your
21 recollection. Now, was not this question asked you
22 and this answer made by you, at page 260 of your
23 interrogation, March 7, 1946:

24 Q Why would Hitler issue such an order
25 and base the collaboration upon the Pact unless there
was either something in the Pact or an understanding

1 between Japan and Germany?

2 A I do not know why he said so. Maybe he
3 intended to invoke the statement in the preamble about
4 the building of a new order in East Asia. I do not
5 know."

6 Did you make that answer to the question that
7 I read to you?

8 A I think there is some mistake. I have no
9 recollection of having made such a reply.

10 Q Is it not a fact that you showed to Hitler
11 a military map of Singapore containing the location
12 of field fortifications and gun emplacements and
13 discussed with him the difficulties of an attack
14 upon Singapore?

15 A It is a fact that I showed him a map, but I
16 never discussed with him as to the method of attack
17 or anything of that nature.

18 Q Did not Hitler ask you how long it would take
19 to reduce Singapore?

20 A Yes, he did.

21 Q Did you not discuss the difficulties of an
22 attack?

23 A No, we had no discussion.

24 Q In your interrogation did you not justify this
25 act on your part, that is, the delivery of the map,
 by stating that it was in accord with the agreement

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1 at the time of the conclusion of the Tripartite Pact?

2 A No, I did not say anything of the kind. Even
3 if I did not say so, I think that what I did was
4 justifiable.

5 Q On what grounds?

6 A There should be nothing wrong in showing them
7 a map in answer to their wish.

8 Q Was that what you considered to be in conformity
9 with the fundamental principle of this Pact relating to
10 the establishment of a new order?

11 A There is no connection whatsoever.

12 ACTING PRESIDENT: We will adjourn until 9:30
13 Monday morning.

14 (Whereupon, at 1600, an adjournment
15 was taken until Monday, December 1, 1947, at
16 0930.)

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